

trial and appellate courts to which we confirm judges apply our Federal laws. Without a steady supply of judges, these courts cannot enforce our laws.

Right now, 12 of the Nation's 94 Federal judicial districts and 5 of the 12 circuit courts have judicial emergency vacancies—that's what the Judicial Conference of the United States calls vacancies that have existed for 18 months or more.

These emergency districts had an average of 635 criminal case filings in 1995—almost twice the national average of 355 filings. There average backlog of 4,153 cases exceeds the national average of 2,853 cases by 46 percent—1,300 cases.

The President has nominated judges for 15 of the 17 emergency courts. Three have received hearings and await a committee vote, three more are bottled up on the floor.

This is not the way we should be doing business here—and this is most certainly not business as usual as far as I'm concerned.

We should put a stop to the politics, and confirm these judges today.

#### MINING PATENT MORATORIUM

Mr. CRAIG. Mr. President, I would like to engage in a colloquy with the distinguished Chairman of the Energy and Natural Resources Committee concerning a report on mining patents that was recently completed by the Department of the Interior.

Mr. MURKOWSKI. Mr. President, I would gladly engage in such a colloquy with my distinguished colleague, the Chairman of the Forests and Public Land Management Subcommittee of the Energy and Natural Resources Committee. The senior Senator from Idaho has worked on mining law reform legislation for several Congresses and is a recognized expert in the area of mining and natural resources. I am pleased to discuss the mining issue with him.

Mr. CRAIG. I thank the Chairman for his kind words. In July, the Energy and Natural Resources Committee received a copy of a report from the Interior Department, entitled "Five Year Plan for Making Final Determination on Ninety Percent of Grandfathered Patent Applications Pursuant to Public Law 104-134." My subcommittee has not yet fully analyzed the report that addresses the mineral patent moratorium which was enacted originally on September 30, 1994, for fiscal year 1995, and extended through fiscal year 1996 on April 25, 1996. I believe the Appropriations Committee received the report as well.

Mr. MURKOWSKI. The Energy and Natural Resources Committee received the report. I am concerned that the report appears to provide a partisan justification for Secretary Babbitt's various actions and inactions regarding the mineral patenting process since 1993.

Mr. CRAIG. I share your concern, and I note that the report provides a plan

to process 90 percent of the mineral patent backlog in five years, which may or may not be effective. The Conference Report on H.R. 3610, Department of Defense Appropriations Act, extended the patent moratorium for fiscal year 1997. In your view has the Congress endorsed Secretary Babbitt's actions and his plan?

Mr. MURKOWSKI. Certainly not in my view. We will review the adequacy of the Secretary's plan at the appropriate time.

Mr. CRAIG. I agree, and I note further that the Congress is clearly not in a position to ratify or reject the Department's determinations regarding individual patent applications which are pending and are identified in the Secretary's report as "grandfathered," or impliedly identified as not "grandfathered" by their absence on the list.

Mr. MURKOWSKI. I completely agree. The legality of the Secretary's actions, inactions and determinations affecting individual patent applicants will be reviewed, as needed, by the federal courts in accordance with due process law.

Mr. CRAIG. One final concern which I have is that the Interior Department may be construing the "five-year" schedule to clear the patent backlog as somehow shielding the Department from claims of unreasonable delay by individual patent applicants in the interim. Such a construction would be clearly contrary to our intent, which was to keep the patent application processing moving forward.

Mr. MURKOWSKI. I share your concern. Such a construction would thwart our purpose entirely.

Mr. CRAIG. I thank the distinguished Chairman for this colloquy.

#### BURMA SANCTIONS

Mr. McCONNELL. Mr. President, over the weekend, more than 500 Burmese citizens were arrested—more than double the number picked up in an outrageous sweep back in May.

And, their crime, Mr. President? Their crime was an effort to participate in a conference on the future of democracy called by Daw Aung San Suu Kyi, Burma's legitimately elected leader.

Just as discouraging as the arrests is the action taken against Daw Aung San Suu Kyi. The street to her home has been cut off by armed guards, and I understand over 100 troops have been deployed in and around her compound.

Her weekly addresses to supporters have been cut off.

Her movements are completely restricted.

In fact, when I asked if anyone from our embassy had direct contact with her, I was told the phone lines have been cut along with access to her home.

So, at this moment, as I speak, there is no certainty as to her physical well-being—we have no idea what condition Daw Aung San Suu Kyi is in—we have

no idea what SLORC goons may be doing within her home, now, a prison.

But, I want to remind my colleagues of something terribly important that this courageous woman has repeatedly emphasized—she is not the issue—she is only a symbol, a champion for her nation's freedom.

Her cause, her call to us is to restore democracy to her beleaguered homeland, Burma.

Mr. President, I have come to the floor today, once again, to call upon the administration to take decisive action to assist Aung San Suu Kyi and her supporters.

This time, the circumstances are different.

On Monday, when the President signed the omnibus appropriations bill, the foreign operations section included provisions setting a new policy course for Burma.

Although many of my colleagues agreed with language I had included in the bill which imposed immediate sanctions, the Senate and the foreign operations conferees agreed to a weaker position offered by my colleague from Maine and endorsed by the administration.

This language, which the administration supported, required a ban on new investment under specific conditions.

The administration agreed to move forward "if the Burmese government has physically harmed, rearrested for political acts or exiled Aung San Suu Kyi or has committed large-scale repression of or violence against the Democratic opposition."

That's exactly what the law requires.

Ironically, in the case of defining repression, every official I spoke with suggested sanction would be invoked if SLORC took action similar to the May offensive—I might add, no one actually believed SLORC would be so ruthless to repeat so sweeping and offensive an attack on peaceful democratic activists.

Mr. President, in the past this administration has issued ultimatums to SLORC.

In 1994, Tom Hubbard, then Deputy Assistant Secretary of State for Asian Affairs traveled to Rangoon and warned SLORC that if we did not see improvements in human rights, democracy, and drug trafficking, the United States would take appropriate punitive action.

SLORC immediately challenged the demarche and launched a massive military attack against ethnic groups generating more than 80,000 refugees. Attacks in the countryside were matched by rounding up democracy advocates in Rangoon.

America's response? The administration looked the other way.

The next year, Ambassador Albright traveled to Rangoon and repeated the message and saw virtually the same results—massive detentions, torture, and arrests—a complete rejection of our concerns and interests.

Now, we are faced with the worst deterioration of the internal situation since the stolen elections in 1990.

SLORC has accused Aung San Suu Kyi of collaborating with outside groups and foreign embassies against the interests of Burma. Senior officials have denounced the legislation just signed into law—there is no question the recent events reflect SLORC's decision to directly challenge America's commitment to democracy and its champions so obviously under siege.

This time, SLORC is challenging more than an ultimatum issued in a meeting of State Department officials—this time the junta is challenging American law.

There are few countries I can identify these days with regimes so repugnant, unjust, and ruthless as SLORC.

They represent a direct and dangerous threat not only to their own citizens but ours as well.

A few weeks ago, I was sent photographs of senior SLORC military intelligence officers enjoying a meal with Khun Sa, the region's most notorious opium warlord.

These pictures would convince even the most singleminded SLORC business crony that doing business with SLORC is subsidizing and doing business with drug traffickers—and even oil companies with so much on the line in Burma, have to recognize that those kind of relationships are not in America's interests.

Mr. President, I understand the NSC will convene a deputies meeting today at 3 to review options for Burma.

No doubt one of the options will be a ban on visas. Let me make clear to anyone in the administration listening—such a step is not enough.

When we were in conference on the foreign operations bill, the administration pledged to issue a Presidential order banning visas to SLORC officials if we would agree to modify our language making such an action mandatory. We did and we expect the administration to live up to this commitment which was made long before the actions taken this weekend.

Nothing short of fulfilling the additional obligations spelled out in law will meet the test our Nation and our credibility face today in Burma.

Democracy is under siege—meaningful support and time are running out—lives are on the line. I urge the President to take swift action to save a nation, its people, and American honor.

#### INAUGURAL CEREMONIES

Mr. WARNER. Mr. President, on September 19, 1996, the Joint Congressional Committee on Inaugural Ceremonies organized to prepare for the next congressionally hosted inauguration.

It is appropriate now, as we prepare to adjourn less than four months away from Inauguration Day 1997, to reflect on the historic arrangements Congress has made to ensure that this confirmation of the voters' will is carried out publicly as our electoral cycle is completed.

Mr. President, once again Congress prepares for an inauguration of a President of the United States. This was the initial responsibility that faced the First Congress. When the Senate established its first quorum on April 6, 1789, Congress was the only functioning branch of the Federal Government; the executive and judicial branches did not yet exist. On April 6, Members of the Senate and House of Representatives met in the Senate Chamber to count the electoral ballots and declare George Washington elected president. They dispatched messengers to notify General Washington at Mount Vernon. On April 9, the Senate appointed a committee "to make the necessary arrangements for receiving the President" and to meet with any committee that the House appointed for such purposes. Those committees, which reported their plan for the inauguration on April 25, were the precursor of today's Joint Congressional Committee on Inaugural Ceremonies.

Every four years since Congress has held presidential inaugural ceremonies. On April 30, 1789, President Washington took his oath on a balcony at Federal Hall, where Congress was then meeting in New York City. By 1793 Congress had moved to Congress Hall in Philadelphia, and Washington took his oath this time in the Senate Chamber. Four years later, John Adams's inaugural occurred in the larger House Chamber. In 1800 the Federal Government transferred to its permanent home in Washington, DC, and on March 4, 1801, Thomas Jefferson became the first president inaugurated in the U.S. Capitol Building. That ceremony took place in the Senate Chamber (now restored as the Old Supreme Court Chamber). James Madison was sworn into office in the new House Chamber in 1809 and again in 1813. After British troops burned the Capitol in 1814, James Monroe's inauguration in 1817 was held across the street, in front of the temporary Capitol building, on the present site of the Supreme Court. These were the first inaugural ceremonies performed outdoors. Poor weather forced the inauguration back indoors in 1821, but since Andrew Jackson's inauguration in 1829, the ceremonies generally have been conducted outdoors to accommodate growing numbers of citizens wishing to attend.

From 1825 until 1977 presidential inaugurations took place on the East Front of the Capitol, where large platforms were erected on the steps leading to the Rotunda. At first these ceremonies were held on March 4th. The adoption of the Twentieth Amendment to the Constitution in 1933 advanced the date to January 20th. Franklin D. Roosevelt became the first to take his oath under this amendment, on January 20, 1937. Roosevelt's first three inaugurals took place at the Capitol, but in 1945, while the National was still engaged in the Second World War, Roosevelt overruled congressional objections and took the oath of office at the

White House. The Inaugural Ceremony resumed at the Capitol with Harry Truman's ceremony in 1949.

Ronald Reagan's inauguration on January 20, 1981, saw the ceremonies shift to the Capitol's West Front, where the terraces served as the inaugural platform and where even larger crowds could be accommodated down the Mall. Frigid weather in 1985 forced President Reagan's second inauguration indoors into the Capitol Rotunda.

Between Inaugurations, nine individuals have taken the presidential oath of office elsewhere. Following the death or resignation of presidents, vice presidents were sworn into office at the White House, in a Washington hotel, a New York City brownstone, a Vermont farmhouse, and aboard Air Force One.

Gerald R. Ford assumed the Vice Presidency under the 25th amendment to the Constitution on the resignation of Vice President Spiro Agnew and Ford was sworn in as President August 9, 1974 on the resignation of Richard M. Nixon.

I ask unanimous consent that a press release which documents the members of the Committee and their official actions in the first Committee organizational meeting and the text of Senate Concurrent Resolutions 47 and 48, authorizing the Committee and inaugural arrangements, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

#### JOINT LEADERSHIP ELECTS WARNER TO INAUGURAL POST

Senator John Warner has been elected chairman of the Joint Congressional Committee on Inaugural Ceremonies, the committee created by Congress every four years to oversee the inauguration for the President of the United States.

In addition to Warner's selection, the committee decided to hold the 53rd inauguration on the West Front of the Capitol. The inaugural will take place January 20, 1997.

In keeping with tradition, Warner's nomination was put forward by Senate Democratic Whip Wendell Ford, D-Ky., and seconded by Senate Majority Leader Trent Lott, R-Miss. In addition to Lott and Ford, other members are: Speaker of the House Newt Gingrich, R-Ga., House Majority Leader Richard Armey, R-Tex. and House Minority Leader Richard Gephardt, D-Mo.

Senator Warner is the first Virginian to chair the Joint Inaugural Committee since 1945, when Senator Harry Byrd, Sr., D-Va., chaired the panel.

Historically, the Joint Inaugural Committee is formed the year prior to the Congressionally-hosted ceremonies, and ceases operation after the ceremonies conclude. The committee, which was authorized March 20, is charged with the planning and execution of all inaugural activities at the U.S. Capitol, including the swearing-in ceremony and the traditional inauguration luncheon that follows.

During the meeting, Warner announced that former Assistant Secretary of Commerce for Oceans and Atmosphere Jennifer Joy Wilson, will be executive director of the committee. Wilson also served as chief of staff to former Virginia Republican Gov. John Dalton.